IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

Bail Appl..No. 2869 of 2007()

CP.84/2005 of J.M.F.C.-I,NEYYATINKARA
O.R.NO.16/03 OF NEYYATINKARA EXCISE RANGE

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: PETITIONER:- ACCUSED(A1):

SURENDRAN, AGED 42,
S/O. RAGHAVAN, BABUL COTTAGE, PERINGOTTUKONAM,
VADAKODU DESOM, PERUMPAZHUTHOOR VILLAGE.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA,
REPRESENTED BY THE DIRECTOR GENERAL OF PROSECUTION
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2869 OF 2007

Dated this the 28th day of May, 2007

O R D E R

Petitioner, who is the 1st accused in O.R.No.16/03 of Neyyattinkara Excise Range for offences punishable under Secs.55(a), 55(g), 8(1) and 8(2) of the Abkari Act, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.P. No.84/05 on the file of the J.F.C.M.-I, Neyyattinkara, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same day on which it is filed, after considering the explanation offered by the petitioner for his previous non-appearance, bearing in mind the decision of this court reported in ***Sukumari Vs. State of Kerala*** [2001 (1) KLT 22].

With the above observation this application is disposed of .

(V. RAMKUMAR, JUDGE)

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